

REMARKS

Claims 1, 3-7, 10, 11, 18, 19, 21-27 and 29-35 remain pending. Claims 1, 6, 22 and 24 have been amended to more succinctly claim the invention. Reconsideration is respectfully requested.

Claims 1-7, 10, 11, 14, 15 and 18-27 were rejected under 35 U.S.C. § 102(e) as anticipated by Swanson et al (U.S. Patent No. 6,445,939). All claims now specifically call for the claimed device to include a distal tip coil that is capped by an atraumatic tip in which the optical fiber is received. The cited reference does not disclose nor suggest such a structure. It is to be noted that coil tipped guide wire embodiments as illustrated in for example FIGS. 8, 10 and 11a-c all show the distal end of the optical fiber either proximal to the coil or well within the coil or are described as being used in conjunction with a radio-opaque tip 28 (col 19, line 31) which would of course preclude optical transmission/reception therethrough. Such positioning of the optical fiber tip in combination with its slidability within the guide wire provides for a versatility in its data collection capability not contemplated by the cited reference. It is therefore respectfully submitted that obviousness as well as anticipation is effectively avoided.

Claims 14 and 35 were rejected under 35 U.S.C. § 102(b) as anticipated by Gunderson et al (U.S. Patent No. 5,601,087). Claim 35 has been amended so as to include the limitations of unrejected claim 15. Claim 14 has been canceled.

In light of the above amendments and remarks, applicants earnestly believe the application to now be in condition for allowance and respectfully request that it be passed to issue.

The Commissioner is hereby authorized, however, to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 06-2425.

Respectfully submitted,

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